



2833

402-038-19

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: David G. McCarthy : Examiner B. Hammond
Serial No. 08/951,276 : Group Art Unit: 2833
Filed: October 16, 1997 :
Title: Retractable Receptacle :
For Furniture :

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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REQUEST FOR RECONSIDERATION

Applicant respectfully requests reconsideration of both the objection to the drawing, and the prior art rejection of the claims, made in the Official Action dated March 7, 2003.

By way of background, a Final Action dated August 31, 1999 was issued rejecting Claims 1, 2, 6 and 16 under 35 U.S.C. Section 102(b) over the Byrne patent (U.S. Patent No. 4,747,788); rejecting Claims 19 and 20 under 35 U.S.C. Section 102(b) over the Mitchell et al patent (U.S. patent No. 4,511,198); and rejecting Claims 3 - 5, 7 - 15 and 17 - 18 under 35 U.S.C. Section 103(a) over the Byrne patent (U.S. Patent No. 4,747,788).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6/9/03 (Date of Deposit)

Mark P. Stone
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On December 2, 1999, Applicant filed a Notice of Appeal, and on January 19, 2000, Applicant filed its Appeal Brief which, inter alia, presented arguments rebutting the prior art rejections in the Final Action.

All of the prior art rejections were withdrawn in the Examiner's Answer dated April 11, 2000. On October 31, 2002, the Board of Appeals and Interferences reversed all outstanding grounds of rejection under 35 U.S.C. Section 112 raised against the appealed claims.

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On April 15, 2003, Applicant filed a "Petition To Commissioner Under 37 CFR 1.181", arguing that the Official Action dated March 7, 2003 is improper in that it failed to comply with the requirements of 37 CFR 1.198. The Petition requested that the Commissioner issue a directive withdrawing the prior art rejections made in the outstanding Official Action for failure to comply with 37 CFR 1.198.

Applicant's response to the prior art rejections raised in the Official Action dated March 7, 2003 incorporates by reference, in its entirety, the Petition To Commissioner under 37 CFR 1.181, filed on April 15, 2003. Enclosed for the convenience of the Examiner is a true copy of the Petition To Commissioner

under 37 CFR 1.181, as filed in the Patent & Trademark Office on April 15, 2003.

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At page 2, paragraph 2 of the Official Action, the Examiner has objected to the drawings under 37 CFR 1.83(a) "...because they fail to show how the "means" bias the receptacle unit and how the "locking means" oppose the means for biasing as described in the specification....[emphasis in the original].

Applicant respectfully disagrees with the Examiner's conclusions regarding the drawings, and requests reconsideration of the objection raised in the March 7, 2003 Official Action. The Examiner states that "...Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing...[citing MPEP Section 608.02(d)]. Applicant initially notes that the Board of Patent Appeals and Interferences, in its decision dated October 31, 2002, held that the written description of the invention in the specification supports all recitations in the claims, including the means for biasing the receptacle unit, and the locking means opposing the means for biasing, the two recitations addressed in the March 7, 2003 Official Action. Clearly, the Board had no difficulty in understanding the claimed invention based upon the written specification and the drawings as currently on file in this application.

Additionally, the outstanding Official Action states, at page 2, paragraph 2, states: "...The examiner advises applicant to look at the Byrne patent [U.S. Patent No. 4,747,788] which shows "details" of a retractable receptacle unit." Therefore, by her own admission, the Examiner has acknowledged that the features upon which she has based the objection to the drawings are conventional and therefore well known and understood by persons skilled in the relevant art.

For the reasons discussed above, Applicant submits that the drawings currently on file, in conjunction with the written specification, clearly provide a person skilled in the relevant art with a full understanding of the invention, and that illustration of the "means for biasing the receptacle unit" and the "locking means opposing the means for biasing", as addressed in the Official Action, are not essential for a proper understanding of the disclosed invention, and therefore are not required to be shown in the drawing. Applicant submits that the drawings currently on file fully comply with MPEP Section 608.02(d), and respectfully requests that the requirement in the Official Action to file proposed drawing corrections adding additional elements to the drawings be reconsidered and withdrawn.

The specific means for biasing the receptacle unit, and the specific locking means opposing the means for biasing, are not essential to the claimed invention, and the written description

of the invention in the specification fully supports the pending claims, as held by the Board of Patent Appeals & Interferences in its October 31, 2002 decision. The "details" referred to at page 2, paragraph 2 of the outstanding Official Action are not essential for a proper understanding of the claimed invention to persons skilled in the relevant art.

Since the features addressed at page 2, paragraph 2 of the Official Action are not essential for a proper understanding of the invention by persons skilled in the art, it is proper to merely generally designate these features in the drawing without illustrating specific details (37 CFR 1.83(a)). The proposed drawing corrections filed by Applicant on August 9, 1999 provides a proper general designation of all features of the claimed invention which are not essential to the understanding of the invention by persons skilled in the art. These features which have been generally designated in the drawing include the features addressed at page 2, paragraph 2 of the outstanding Official Action.

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Applicant respectfully requests, for the reasons discussed herein, in the Petition To Commissioner, and in Applicant's Summary Of Interview filed on March 31, 2003, that the prior art rejections raised in the outstanding Official Action be withdrawn

as being improper under 37 CFR 1.198, and that the objections to the drawings be withdrawn on the grounds that the specific features referred to in the objections to the drawings are not essential for a proper understanding of the claimed invention by persons skilled in the art.

Enclosed is a Change of Correspondence Address for Applicant's attorney. Please direct all further correspondence regarding this patent application to the address indicated on the enclosed notice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Stone', with a stylized flourish at the end.

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